

MSU 4.1-690  
Appl. No. 10/776,980  
Amendment dated May 24, 2007  
Reply to Office Action mailed March 2, 2007

#### REMARKS

Claims 1-4 were rejected based upon obvious type double patenting over Claims 1-23 of U.S. Patent No. 6,623,743), Claims 1-28 of U.S. Patent No. 6,423,365 and Claims 1-28 of U.S. Patent No. 6,676,978. Enclosed are the required Terminal Disclaimers.

Pursuant to a telephone conversation with Examiner Pratt, the drawings do not need to be amended. Figures 5 and 6 show the combination of the anthocyanins and phenolics in independent Claims 1 and 2 with the removal of the acids and sugars. Reconsideration of this rejection is requested.

The Abstract has been revised. Reconsideration is requested.

Claims 1-4 were rejected under 35 USC 103(a) as being unpatentable over Mann (U.S. Patent No. 6,231,866) in view of Walker et al. (U.S. Patent No. 5,525,341) and Howell et al. (U.S. Patent No. 6,720,353). Claims 1-4 have been amended to call for a dried composition comprising berry juice which has been dried and a pre-dried berry pulp as in the Examples. The juice has been processed as in Figures 5 and 6 by an adsorption resin to remove acids and sugars while retaining the anthocyanins

and phenolics. The anthocyanins and phenolics are then removed and lyophilized. This is a completely different composition than described by the references. Mann discloses no special treatment of the juices and dries the pulp with the juices. Walker et al. "lacks significant amounts of anthocyanins" (Column 2, lines 13 to 31) as a result of the process described. The composition is entirely different from that claimed by Applicant. Howell et al. relates to proanthocyanidin compounds which are substantially free of anthocyanins and flavonoids (Column 3, lines 19 to 31). This reference also deals with very different compositions than in Applicant's claims. The compounds are not even glycosidated as are the claimed anthocyanins. Thus, the combination of references could not possibly produce the claimed invention. Reconsideration is requested.

None of the references recognized the need to produce anthocyanins and phenolics separately from the pulp. The acids cause the product to be sour.

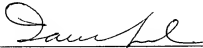
The Applicant and his attorney would like to thank Examiner Pratt for the telephone conference on Tuesday, May 22, 2007, in which the drawing rejections were discussed. A decision was made to not amend the

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drawings but to incorporate the changes into the claims.

It is now believed that Claims 1-4 are in  
condition for allowance. Notice of Allowance is  
requested.

Respectfully,

  
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ENCLOSURES: Terminal Disclaimers (3)